

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAYSON H. JACKSON,	:	Case No. 3:14-cv-167
Plaintiff,	:	District Judge Thomas M. Rose
vs.	:	Chief Magistrate Judge Sharon L.
	:	Ovington
CAROLYN W. COLVIN,	:	
Acting Commissioner of Social Security,	:	
Defendant.	:	

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**REPORT AND RECOMMENDATION<sup>1</sup>**

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This matter is before the Court on Defendant's motion to dismiss for lack of jurisdiction. (Doc. 5). Defendant served a copy of the motion on Plaintiff, Jayson H. Jackson, via U.S. mail on August 26, 2014. (*Id.*) Further, on August 26, 2014, the Court docketed a notice of the motion to dismiss, which was also served on Plaintiff via U.S. mail. (Doc. 6). The notice informed Plaintiff that his response to Defendant's motion must be filed with the Court no later than September 19, 2014. (*Id.*) Additionally, the notice expressly stated that failure to timely respond may result in the Court granting Defendant's motion and dismissing Plaintiff's case. (*Id.*) To date, Plaintiff has not filed a response. In these circumstances, there is no existing controversy over the reason Defendant advances for dismissing this case. The motion is therefore well taken.

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<sup>1</sup> Attached hereto is NOTICE to the parties regarding objections to this Report and Recommendations.

In addition, Plaintiff has not taken any action in this case since filing his Complaint. Given his inaction and his failure to response to Defendant's motion, dismissal of Plaintiff's Complaint is warranted due to his failure to prosecute the case. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

**IT IS THEREFORE RECOMMENDED THAT:**

1. Defendant's Motion to Dismiss (Doc. 5) be **GRANTED**;
2. Plaintiff Jayson H. Jackson's Complaint (Doc. 2) be **DISMISSED**; and
3. This case be terminated on the docket of this Court.

September 26, 2014

s/ Sharon L. Ovington  
Sharon L. Ovington  
Chief U.S. Magistrate Judge

## **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See, United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).